REMARKS

This amendment is responsive to the Office Action dated May 9, 2002. Applicant has amended claims 1, 2, 6-11, 13-16, 20, 22, 26, 28, and 29, and cancelled claim 17. Claims 1-16 and 18-33 are pending. A version of the amended claims showing changes pursuant to 37 CFR § 1.121(c)(ii) is attached. In the attached version of the amended claims, Applicant has used underlines to indicate inserted matter and strikeouts to indicate deleted matter.

As a preliminary matter, Applicant would like to point out that International Patent Application WO 96/30852 to Wainscott et al. (Wainscott) was not listed on the Notice of References Cited (Form PTO-892), even though cited by the Examiner. Applicant requests a corrected or supplemental Form PTO-892.

Claim Objections

Applicant has amended claims 8, 9, 20, 28, and 29 to correct a number of informalities raised by the Examiner.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 26, 28 and 29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 26, 28 and 29 for purposes of clarification.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-4, 6, 7, 10, 11, 13, 14, 20-25 and 30-32 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 5,799,286 to Morgan et al. (Morgan). Applicant respectfully traverses the rejections to the extent such rejections may be considered applicable to the amended claims. The cited references fail to disclose or suggest a number of features of Applicant's invention as claimed, and provide no teaching that would have suggested the desirability of modification to include such features.

Applicant's independent claim 1, as amended, recites capturing forecast data from a set of contributors according to a multi-level organizational model. Claim 1 further recites capturing

target data from a set of analysts, and reconciling the target data and the forecast data in accordance with the model.

Applicant can find no teaching or suggestion in the references cited by the Examiner for these and other claimed elements. As a first example, Morgan does not disclose capturing forecast data from contributors in accordance with a multi-level organizational model. The Examiner cited column 4, lines 29-43 of Morgan for disclosure of this element. Morgan, however, discusses collecting input information from users generally, and does not describe capturing forecast information in accordance with a multi-level organizational model, as specified in claim 1.

As a second example, Morgan fails to disclose reconciling the target data with the forecast data in accordance with a multi-level organizational model. In fact, Morgan fails to mention reconciliation of forecast data with target data at all. In column 6, lines 42-47, as cited by the Examiner, Morgan briefly mentions that the users may enter target or goal costs for gauging performance of an organization. Morgan makes no mention of reconciling target data and forecast data, as recited in claim 1, let alone reconciliation in accordance with a multi-level model.

As a third example, Morgan fails to teach generating a budget report based on the reconciled forecast data and target data. As Morgan completely fails to teach reconciling the forecast data and the target data, Morgan clearly fails to teach generating a report based on the reconciled data, as further required by Applicant's independent claim 1.

As another example of Morgan's deficiencies, Applicant's dependent claim 2 recites reconciling the target data and the forecast data in accordance with the multi-level organizational model by selecting one or more of the contributors associated with a current level of the model, and presenting the target data and the forecast data to the selected contributors. Claim 2 further recites receiving review information from the selected contributors, wherein the review information accepts or rejects the forecast data, and updating the current level of the organizational hierarchy based upon the review information.

Morgan fails to teach any of these elements. As described above, Morgan merely mentions collecting activity information from users, but does not remotely teach or suggest selecting one or more of the contributors associated with a current level of the model, presenting

the target data and the forecast data to the selected contributors, and receiving review information from the selected contributors, as set forth in claim 2. Accordingly, Morgan fails to teach updating the current level based upon the review information received from the selected contributors, and reconciling target data and forecast data by updating a current level of the organizational hierarchy based upon the review information, as recited by claim 2.

Similarly, Morgan fails to teach or suggest these and many other elements of Applicant's claims. Applicant's independent claim 10, for example, recites a database configured to store data defining a set of contributors, a set of analysts, and a multi-level model of an organization. Claim 10 further recites a server configured to capture forecast data from the contributors and target data from the analysts, and to reconcile the target data and the forecast data in accordance with the model. The analysis of claim 1 reveals the deficiencies of Morgan with regard to these and other elements of independent claim 10.

Applicant's independent claim 20 recites a set of data structures to store data that defines an organizational model to control a network-based system for reconciliation of target data and forecast data for an organization, wherein the model includes a plurality of nodes that are hierarchically arranged into a number of levels, and a set of data structures to store data that defines a number of analysts and a number of contributors, wherein each node is associated with a contributor to control the capture of review information from the contributors by the network-based system. Applicant's independent claim 31 recites a system comprising means for storing a definition of a hierarchical model of an organization, means for receiving organizational target data and forecast data according to the model, and means for reconciling the organization target data and forecast data according to the model. The analysis of claim 1 reveals the at least some of the deficiencies of Morgan with regard to these and other elements of independent claims 20, 31.

Similarly, Morgan fails to teach numerous elements required by Applicant's dependent claims. Applicant traverses the rejection of these claims, and reserves the right to respond in detail with respect to these rejections if necessary in view of the arguments made herein.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 5 and 12 under 35 U.S.C. 103(a) as being unpatentable over Morgan, and rejected claims 8, 9, 15-19 and 33 under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of International Patent Application WO 96/30852 to Wainscott el al. (Wainscott). Applicant respectfully traverses these rejections.

Applicant's independent claim 15 as amended recites storing a model of an organization, wherein the model has a plurality of nodes hierarchically arranged into a number of levels, associating a contributor with each node of the hierarchy, capturing forecast data from a contributor associated with a node within a lower level of the hierarchy, and capturing target data from a set of analysts.

Claim 15 further recites selectively presenting the forecast data and the target data to a subset of the contributors for reconciliation based on a current level of the model, receiving review information from the subset of the contributors, updating the current level according to review information, and generating a budget for the organization based on the forecast data when the forecast data is approved by a contributor associated with a root node within a highest level of the model.

In rejecting claim 15, prior to amendment, the Examiner cited Wainscott. In particular, the Examiner stated that Wainscott teaches a method of budget planning that includes receiving review information associated with a current level of the model, updating the current level according to review information, and generating a budget forecast when the forecast data is approved by a contributor associated with a root node within the highest level of the model.

It appears that the Examiner has misconstrued the scope and content of the Wainscott reference. In the passages cited by the Examiner, Wainscott discusses the use of hierarchies to "determine the level of detail" of the budget. In particular, Wainscott describes the use of hierarchies to control the detail to which budgeting information is broken out and reported. In one example, Wainscott describes transferring budget data from a ledger program to a present budget in accordance with a hierarchy and a set of identifiers. If detailed data and associated valid identifiers are received, e.g., from the ledger program, and the identifiers are not found within the hierarchy, then the system described by Wainscott "rolls-up" the data, i.e., aggregates the data for inclusion within the budget report. In this manner, the system uses hierarchies to

control the level of detail to which data is aggregated (or dissected) for inclusion with the budget report.

Accordingly, the cited passage in Wainscott is entirely unrelated to reconciling forecast and target data in accordance with an organizational model, as recited by Applicant's claims. The use of hierarchies to control the level of detail presented by a budget is unrelated to receiving review information from contributors associated with a current level of the model, updating the current level according to review information, e.g., depending upon whether the contributor accepts or rejects the forecast date, and generating a budget forecast when the forecast data is approved by a contributor associated with a root node within the highest level of the model. In fact, the passage of Wainscott cited by the Examiner does not suggest at all the approval of budget information, nor the receipt of review information from contributors associated with levels of the model, let alone updating a current level of reconciliation based upon the review information, as required by claim 15. Clearly, in view of such differences, the references fail to establish a prima facia case for unpatentability of Applicant's claims.

The Examiner also refers to the budget modification phase described by Wainscott on page 12, paragraphs 2 and 3. In this passage, Wainscott merely states that "the initial budget is sent to managers for updates," and that "several iterations may occur." Wainscott makes no mention of selectively presenting target data and forecast data to contributors associated with various levels of an organization model to reconcile target data and forecast data, as required by Applicant's claim 15. To the contrary, Wainscott makes no mention of reconciliation at all. Wainscott does not disclose whether the budgets are sent sequentially, all at once, according to a defined sequence, or in accordance with any process whatsoever. Wainscott simply mentions in passing that "iterations" may occur, i.e., that the manager may reenter the initial budget data.

Claim Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claim(s) 20-29 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Examiner stated that claims 20-29 fail to produce a useful, concrete and tangible result. Specifically, the Examiner stated that the computer readable medium claims fail to recite any structural and functional interrelationships

among the data structures, and thus fail to impart functionality to the claims. Applicant respectfully traverses the rejections to the extent applicable to the claims as amended.

Applicant has amended claim 20 to recite a computer readable medium having a set of data structures to store data that defines an organizational model "that controls a network-based budget planning system for reconciliation of target data and forecast data for an organization." Applicant has further amended claim 20 to recite "a set of data structures to store data that defines a number of contributors, wherein each node of the model is associated with a contributor to control the selective capture of review information from the contributors by the network-based system during the reconciliation." Applicant submits that the computer readable medium of claim 20 recites non-descriptive material that imparts functionality to the claim as a whole.

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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VERSION SHOWING CHANGES PURSUANT TO 37 CFR § 1.121(c)(ii)

1. A method comprising:

~~storing data defining a set of contributors;~~

~~storing a model of an organization, wherein the model has a plurality of hierarchically arranged nodes;~~

capturing forecast data from ~~the~~ a set of contributors according to ~~the~~ a multi-level organizational model;

capturing target data from a set of analysts;

reconciling the target data and the forecast data in accordance with the organizational model; and

generating a budget report based on the reconciled forecast data.

2. The method of claim 1 ~~further comprising~~wherein reconciling the target data and the forecast data in accordance with the organizational model comprises:

~~storing data defining a set of analysts; and~~

~~capturing target data for the organization from the analysts.~~

selecting one or more of the contributors associated with a current level of the model;

presenting the target data and the forecast data to the selected contributors;

receiving review information from the selected contributors, wherein the review information accepts or rejects the forecast data; and

updating the current level of the organizational hierarchy based upon the review information.

3. The method of claim 1, wherein capturing forecast data according to the model comprises receiving the forecast data from a remote computing device over a packet-based network.

4. The method of claim 3, wherein capturing the forecast data comprises communicating a template and a calculation engine to the computing device, wherein the template includes a data cube for storing the target data and the forecast data.

5. The method of claim 4, wherein the template and the calculation engine are Active X components capable of receiving data and locally processing data on the computing device.

6. The method of claim 1, wherein the model includes a plurality of hierarchically arranged nodes, and each node corresponds to one or more of the contributors.

7. The method of claim 6~~1~~, wherein reconciling the target data and the forecast data in accordance with the organizational model~~capturing forecast data according to the model~~ comprises:

~~capturing forecast data from contributors associated with nodes of a lower level of the hierarchy;~~

receiving review input from the contributors ~~at higher level nodes of the hierarchy.~~; and

propagating the forecast data up the hierarchical model based on the review input.

8. The method of claim 62, wherein generating a budget report comprises generating a budget report based on the forecast data when the current level reaches a highest level of the model~~receiving review input from contributors at higher level nodes of the hierarchy comprises propagating the forecast data up the hierarchy based on the review input~~.

9. The method of claim 82, wherein updating the current level comprises: ~~the contributors associated with the higher level nodes of the hierarchy can reject the forecast data or accept the forecast data, and further wherein propagating the forecast data up the hierarchy comprises~~ incrementing athe current level when ~~a~~ all of the selected contributors accepts the forecast data; and

decrementing the current level when at least one of the selected contributors rejects the forecast data.

10. A budgeting system for an organization comprising:

a database configured to store data defining a ~~number~~ set of contributors, a set of analysts, and a multi-level model of an organization, wherein the model has a plurality of hierarchically arranged nodes, each node corresponding to at least one of the contributors; and

a server configured to capture forecast data from the contributors and target data from the analysts, and to reconcile the target data and the forecast data in accordance with ~~according to~~ the model.

11. The system of claim 10 further comprising:

a computing device communicatively coupled to the server via a packet-based network; and

a calculation engine executing in an operating environment provided by the computing device, wherein the calculation engine manipulates a data cube in response to the ~~organizational~~ targets data and the forecast data.

12. The system of claim 11, wherein the template and the calculation engine are Active X components capable of receiving data and locally processing data on the computing device.

13. The system of claim ~~11~~10, wherein the ~~database is configured to store data defining a set of analysts and the server is configured to capture target data from the analysts.~~server:

selects from the database one or more of the contributors associated with a current level of the model;

presents the target data and the forecast data to the selected contributors;

receives review information from the selected contributors, wherein the review information accepts or rejects the forecast data; and

updates the current level of the organizational hierarchy based upon the review information.

14. The system of claim 10, wherein the server is configured to capture the forecast data according to the model by capturing the forecast data from contributors associated with nodes of a lower level of the ~~hierarchy~~ model and review input from contributors at higher-level nodes of the ~~hierarchy~~model, and further wherein the server selectively presents the forecast data and the target data to a subset of the contributors for reconciliation ~~propagates the forecast data up the hierarchy~~ based on the review input by incrementing a current level when all of the contributors associated with nodes of the current level accepts the forecast data, and decrementing the current level when at least one of the contributors associated with the nodes of the current level rejects the forecast data.

15. A method for generating a budget comprising:

storing a model of an organization, wherein the model has a plurality of nodes hierarchically arranged into a number of levels;

associating a contributor with each node of the hierarchy;

capturing forecast data from a contributor associated with a node within a lower level of the hierarchy;

capturing target data from a set of analysts;

selectively presenting the forecast data and the target data to a subset of the contributors for reconciliation based on a current level of the model;

~~traversing the model by~~ receiving review information from ~~a~~ the subset of the contributors; ~~associated with a current level of the model and~~

updating the current level according to review information; and

generating a budget for the organization based on the forecast data when the forecast data is approved by a contributor associated with a root node within ~~at~~ a highest level of the model.

16. The method of claim 15, wherein updating the current level includes incrementing the current level when the review information indicates an acceptance of the forecast data and decrementing the current level when the review information indicates a rejection of the forecast data.

17. ~~The method of claim 15, and further including capturing target data from the analysts and presenting the target data to the contributors when the forecast data is captured and when the review information is captured.~~

18. The method of claim 15, wherein capturing forecast data comprises receiving the forecast data from a remote computing device over a packet-based network.

19. The method of claim 18, wherein capturing the forecast data comprises communicating a template and a calculation engine to the computing device, wherein the template includes a data cube for storing the target data and the forecast data.

20. A computer-readable medium comprising:

a set of data structures to store data that defines an organizational model that controls a network-based budget planning system for reconciliation of target data and forecast data for an organization, wherein the model ~~having~~ includes a plurality of nodes that are hierarchically arranged into a number of levels; and

a set of data structures to store data that defines a number of contributors, wherein each node of the model is associated with a contributor to control the selective capture of review information from the contributors by the network-based system during the reconciliation.

21. The computer-readable medium of claim 20, wherein contributors associated with nodes of a lowest level of the hierarchy the contributors are individuals responsible for entering forecast data for the organization, and further wherein contributors associated with nodes at higher levels of the hierarchy are responsible for reviewing the forecast data.

22. The computer-readable medium of claim 20 and further comprising template data structures defining a set of templates to store the forecast data and the ~~organizational targets~~target data.

23. The computer-readable medium of claim 22, wherein the template data structures comprises a data cube.

24. The computer-readable medium of claim 20, wherein each node stores data defining an owner of the node.

25. The computer-readable medium of claim 20, wherein a set of the nodes stores data defining a reviewer for the node.

26. The computer-readable medium of claim 2~~0~~, wherein each node is associated with one or more of the templates.

27. The computer-readable medium of claim 20, wherein each node stores data defining a state of the node.

28. The computer-readable medium of claim 2~~0~~7, wherein the states include NOT-STARTED, LOCKED AND WORK-IN-PROGRESS.

29. The computer-readable medium of claim 2~~0~~7, wherein the states further include READY and INCOMPLETE.

30. The computer-readable medium of claim 20 and further comprising a set of data structures to store data that defines a number of analysts for inputting organizational targets.

31. A system comprising:

means for storing a definition of a hierarchical model of an organization;

means for receiving organizational target data and forecast data according to the model; and

means for reconciling the organization target data and forecast data according to the model.

32. The system of claim 31 comprising means for capturing the organizational target data and the forecast data.

33. The system of claim 31, wherein the reconciling means includes means for propagating the forecast data up the hierarchy.